



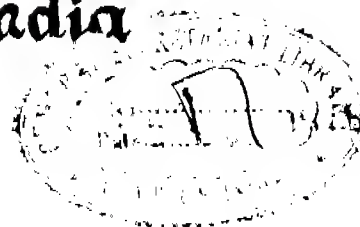
भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

PUBLISHED BY AUTHORITY



सं० 104]

नई दिल्ली, शुक्रवार, जून 25, 1976/आसाधा 4, 1898

No. 104]

NEW DELHI, FRIDAY, JUNE 25, 1976/ASADHA 4, 1898

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 25th June, 1976/Asadha 4, 1898 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS LAND
REVENUE AND LAND REFORMS (AMENDMENT)
REGULATION, 1976

No. 9 OF 1976

Promulgated by the President in the Twenty-seventh Year of the
Republic of India.

A Regulation to amend the Andaman and Nicobar Islands
Land Revenue and Land Reforms Regulation, 1966.

In exercise of the powers conferred by article 240 of the Constitution,
the President is pleased to promulgate the following Regulation made by
him:—

1. (1) This Regulation may be called the Andaman and Nicobar
Islands Land Revenue and Land Reforms (Amendment) Regulation,
1976.

Short
title and
commence-
ment.

(2) It shall come into force at once.

2 of 1966

2. In section 2 of the Andaman and Nicobar Islands Land Revenue
and Land Reforms Regulation, 1966 (hereinafter referred to as the
principal Regulation), clause (17) shall be omitted.

Amend-
ment of
section 2.

3. Section 139 of the principal Regulation shall be re-numbered as
sub-section (1) thereof and after sub-section (1) as so re-numbered, the
following sub-section shall be inserted, namely:—

Amend-
ment of
section
139.

“(2) A chowkidar who is found negligent in the performance of
any duty assigned to him by or under this Regulation shall be
liable under the orders of the Tehsildar, to a fine which may
extend to twenty rupees.”

Amend-
ment of
section
152.

4. In section 152 of the principal Regulation,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Where, during the period of one agricultural year,—

(a) an occupancy tenant or a non-occupancy tenant does not cultivate his holding, or leaves the locality in which he usually resides without making any arrangement for the cultivation of his holding, or

(b) a grantee does not cultivate the holding given under the grant or leaves the village in which he usually resides without making proper arrangement for the maintenance of the holding given under the grant,

the Sub-Divisional Officer may, after such enquiry as he may deem necessary, take possession of the land comprising the holding and arrange for its cultivation and upkeep by letting it out for a period of one agricultural year at a time on behalf of such occupancy tenant, non-occupancy tenant or grantee.”;

(ii) to sub-section (2), the following proviso shall be added, namely:—

“Provided that no such land shall be restored to the possession of the tenant or grantee or other person unless the period for which such land has been let out by the Sub-Divisional Officer under sub-section (1) has expired.”.

Amend-
ment of
section,
159.

5. In section 159 of the principal Regulation,—

(i) for sub-sections (1), (2) and (3), the following sub-sections shall be substituted, namely:—

“(1) Subject to the provisions of section 186, an occupancy tenant may transfer any interest in his land:

Provided that an occupancy tenant, from whom any amount by way of loan or otherwise is due to the Government, shall not transfer such interest except with the previous permission in writing of the Deputy Commissioner.

(2) Notwithstanding anything contained in sub-section (1) or any other law for the time being in force,—

(i) no mortgage of his interest in any land by an occupancy tenant shall be valid unless at least two hectares of land is left with him free from any encumbrance or charge;

(ii) no occupancy tenant shall have the right to transfer his interest in any land if after such transfer the total extent of the land held by him will be reduced below two hectares; and

(iii) the interest of an occupancy tenant in any land, to the extent of two hectares, shall not be liable to be attached or sold in execution of any decree or order of any court:

Provided that nothing in this sub-section shall prevent an occupancy tenant from mortgaging or transferring his interest in any land to secure payment of any loan made to him by the Government or a co-operative society or an institution established for a public, religious or charitable purpose or a bank, or shall affect the right of the Government or such co-operative society, institution or bank, as the case may be, to sell such interest for the recovery of such loan in execution of a decree or order of any court.

(3) (a) A grantee may mortgage or transfer any interest in his land with the previous permission in writing of the Chief Commissioner.

(b) The interest of a grantee in any land, to the extent of two hectares, shall not be liable to be attached or sold in execution of a decree or order of any court:

Provided that nothing in this sub-section shall prevent a grantee from mortgaging or transferring his interest in any land to secure payment of any loan made to him by the Government or a co-operative society or an institution established for a public, religious or charitable purpose or a bank, or shall affect the right of the Government or such co-operative society, institution or bank, as the case may be, to sell such interest for the recovery of such loan in execution of a decree or order of any court.”;

(ii) sub-section (4) shall be omitted;

(iii) to sub-section (8), the following proviso shall be added, namely:—

“Provided that nothing in this sub-section shall prevent a non-occupancy tenant from mortgaging or transferring his interest in any land to secure payment of any loan made to him by the Government or a co-operative society or an institution established for a public, religious or charitable purpose or a bank, or shall affect the right of the Government or such co-operative society, institution or bank, as the case may be, to sell such interest for the recovery of such loan in execution of a decree or order of any court.”;

(iv) in sub-section (9),—

(a) in the opening paragraph, for the words “except with the previous permission in writing of the Chief Commissioner”, the words “except with the previous permission in writing of the Chief Commissioner and subject to such terms and conditions as may be specified by him” shall be substituted;

(b) in the proviso, for the words “sixty days”, the words “four months” shall be substituted;

(v) the *Explanation* below sub-section (9) shall be numbered as *Explanation I*, and after *Explanation I* as so numbered, the following *Explanation* shall be inserted, namely:—

“*Explanation II.*—For the purpose of this section, “bank” means any banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949, and includes,—

- (i) the State Bank of India constituted under the State Bank of India Act, 1955; 23 of 1955.
- (ii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959; 38 of 1959.
- (iii) a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970; 5 of 1970.
- (iv) the Agricultural Refinance and Development Corporation established under the Agricultural Refinance and Development Corporation Act, 1963; 10 of 1963.
- (v) a Regional Rural Bank established under sub-section (1) of section 3 of the Regional Rural Banks Act, 1976; 21 of 1976.
- (vi) any banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949; 10 of 1949.
- (vii) any other financial or banking institution notified by the Central Government in the Official Gazette as a bank for the purposes of this Regulation.”.

Amend-
ment of
section
201.

6. In section 201 of the principal Regulation,—

(i) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) The Government may assign to any person its right over any minerals, mines or quarries and the Chief Commissioner may, with the previous approval of the Government, assign to any person the right of the Government over minor minerals.

Explanation.—In this sub-section, the expression “minor minerals” has the same meaning assigned to it in clause (e) of section 3 of the Mines and Minerals (Regulation and Development) Act, 1957.”;

67 of 1957.

(ii) in sub-section (3), for the words “If the Government has assigned to any person its right”, the words “If the Government or the Chief Commissioner has assigned to any person the right” shall be substituted;

(iii) in sub-section (4), for the words “the Government or its assignee”, the words “the Government or the Chief Commissioner or the assignee” shall be substituted;

(iv) in sub-section (5), the words “of the Government” shall be omitted;

(v) in sub-section (6), for the words “the right to which vests in, and has not been assigned to him by, the Government, he”, the words “the right to which vests in the Government and has not been assigned to him by the Government or the Chief Commissioner, such person” shall be substituted;

(vi) in sub-section (7), for the words "the right to which vests in, and has not been assigned by, the Government", the words "the right to which vests in the Government and has not been assigned by the Government or the Chief Commissioner" shall be substituted.

7. In section 210 of the principal Regulation, in sub-section (2), after clause (xxxii), the following clause shall be inserted, namely:—

Amend-
ment of
section 210.

"(xxxiii) the inspection by officers of lands in respect of which a grant has been made or a licence has been granted under section 146 and the carrying out by grantees and licensees of such preventive or remedial measures as may be necessary for the protection of plants or crops in such land:".

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

